

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 7703 of 2005

Between:

D.Omprakash, S/o.Late D.Radha Krishna Raju,
R/o.Obularajukandriga village, Vadamalpet (M), Chittoor

District.

..... PETITIONER

AND

- 1 The Joint Collector Cum Settlement officer, Chittoor, Chittoor District.
- 2 The Revenue Divisional officer, Chittoor, Chittoor District.
- 3 The Mandal Revenue officer, Vadamalpet (M), Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of Mandamus declaring the action of the respondents in causing obstructions to the roof work of the motor-shed situated in Sy.No.11/1 of Pudi (V), Vadamalpet (M), Chittoor District or in any manner interfering with my possession and enjoyment of the petition schedule land as illegal, arbitrary, mala fide and violative of principles of natural justice and consequentially direct the respondents not to cause obstructions to the works of the roof-shed.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following O R D E R:

This writ petition is filed by the petitioner with a prayer to issue a writ, order or direction, more particularly, in the nature of Writ of Mandamus declaring the action of the respondents in causing obstructions to the roof work of the motor-shed situated in Sy.No.11/1 of Pudi village, Vadamalpet Mandal, Chittoor District, as illegal, arbitrary and violative of principles of natural justice.

The case of the petitioner is as set out in the affidavit filed in support of the petition is as follows:

The father of the petitioner late D.Radha Krishnam Raju has purchased Ac.21-00 of dry land in Sy.No.11/1 of Pudi Village, Vadamalpet Mandal, Chittoor District from one late Smt. Pudi Lakshamma in the year 1983. After purchase, the father of the petitioner developed the land and planted mango plants in the entire land. In the year 1995, the father of the petitioner was granted ryotwari pattadar pass book. While so, the second respondent-Revenue Divisional Officer without giving any notice to the father of the petitioner, cancelled the pattadar pass book on the ground that the land belongs to Government vide proceedings No.D.Dis.1037/5/97, dated 31.03.1997. Aggrieved by the same, the father of the petitioner filed W.P.No.8595 of 1997. The said writ petition came to be allowed by order dated 01.05.1998. The father of the petitioner filed a claim petition under Section 11(a) of the Estate Abolition Act, 1948, (for short 'the Act') claiming that the petition schedule land is a private land. The Joint Collector-cum-Settlement Officer, Chittoor, dismissed the claim petition on the ground of limitation. Aggrieved by the same, the father of the petitioner filed an

appeal before the Director of Settlement, A.P., Hyderabad, who allowed the appeal and remanded the matter to the Settlement Officer, Chittoor District, for adjudication on merits, by order dated 04.09.1999. The first respondent carried the matter in revision before the Chief Commissioner of Land Administration on 10.03.2000. While so, on the directions of the Revenue Divisional Officer, the Electricity authorities disconnected the power supply and therefore, the petitioner filed W.P.No.17154 of 2001 and obtained interim direction on 18.08.2001 seeking restoration of power supply. When the Mandal Revenue Officer attempted to interfere with the repairs being affected to motor shed by the petitioner, this petition has been filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Third respondent filed his counter affidavit. It is stated in the counter affidavit that at no point of time, the authorities under the Act held that either the petitioner or his father is entitled for grant of patta and the entitlement of the petitioner is yet to be decided by the Settlement Authorities. The land in Sy.No.11/1 admeasuring Ac.41-05 is classified as "Kothacheruvu Poramboke" and it being a non-ryothi land is not liable for grant of ryotwari patta.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

Learned counsel for the petitioner submits that the possession of the petitioner has not been denied by the respondents and therefore, he is entitled to seek protection of his possession. It is further submitted that the petitioner intends to repair the motor shed and as the third respondent is resorting to interfere with the repairing work, the petitioner approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Learned Government Pleader for Revenue submits that the authorities under the Act are yet to decide the entitlement of the petitioner for grant of patta.

The question whether the petitioner is entitled to patta is beyond the scope of the jurisdiction and the matter is still under adjudication before the concerned authorities. It is the grievance of the petitioner that Mandal Revenue Officer is interfering with the repairs to be affected to motor shed and therefore, he was compelled to approach this Court.

Under these circumstances, I deem it appropriate to dispose of the writ petition directing the parties to maintain status quo with regard possession of the land pending disposal of the revision before the concerned authorities.

Accordingly, the writ petition is disposed of. No costs.

18.07.2005

Note:CC in one week

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To

- 1 The Joint Collector Cum Settlement officer, Chittoor, Chittoor District.
- 2 The Revenue Divisional officer, Chittoor, Chittoor District.
- 3 The Mandal Revenue officer, Vadamalpet (M), Chittoor District.

4 Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5 2 CD copies

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